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Atty. Dkt. No. 065691-0196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 17 2004

Applicant: Patrice DEBREGEAS et al.

Title: DEVICE FOR COATING
GRANULES TO BE
ADMINISTERED ORALLY

Appl. No.: 09/582,871

Filing Date: 08/09/2000

Examiner: Susan T. Tran

Art Unit: 1615

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund of \$1,280.00 for a Notice of Appeal and Three-Month Extension of Time fee paid by check no. 32703 on November 26, 2003. Applicant was forced to pay the Notice of Appeal and Extension of Time fees to prevent the application from going abandoned after the Patent and Trademark Office lost our Reply Under 37 C.F.R. §1.116 that was timely filed on July 28, 2003 in response to the Final Action dated May 28, 2003, as well as the application file. This application has now been allowed with the Issue Fee being due June 25, 2004. Applicants attach to this paper a copy of the facsimile sent to Art Unit 1615 on December 24, 2003, evincing our timely submittal of a Reply to the May 28, 2003 Final Office action. Applicant respectfully requests that a credit of \$1,280.00 be made to Deposit Account No. 19-0741.

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Examiner: S Trap

Art Unit: 1615

PETITION FOR EXTENSION OF TIME

**Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450**

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. §1.136(a) for a month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the third month is \$950.00

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

1/28/2003 HREMESS1 00000102 09582A1

2 E&G-1253

\$50.00 02

Respectfully submitted,

Date Nov. 26, 2003

By Jayne B. Mast

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5569
Faxsimile: (202) 672-5399

**Stephen B. Maebius
Attorney for Applicants
Registration No. 35264**

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Ref# : 06/16/2004 SDIRETA1 0009564000
Name/Number:09582871
FC: 9204 \$1280.00 CR

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In view of the foregoing, it is believed that no fee is required for filing this petition,
but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing
of this petition to Deposit Account No. 19-0741.

201 MAY 17 PM

Respectfully submitted,

Date May 13, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By M. J. Cosentino
48,892, martin J. cosentino II
for Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



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**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals from the decision of the final rejection dated May 28, 2003 of the Examiner finally rejecting Claims 1-22, 24 and 25.

- Applicant claims small entity status.
- Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- Notice of Appeal Fee
- To be paid as detailed below
- Not required (Fee paid in prior appeal)

1/28/2003 HDENESSI 00000102 09582871

1 FC:1401

330.00 UP

Adjustment date: 06/18/2004 SDIRETAI
 11/26/2003 HDENESSI 00000102 09582871
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